

TOWN COUNCIL MEETING - WEDNESDAY EVENING - SEPTEMBER 18, 2013

PRESENT: Parella, Herreshoff, Calouro, Stuart, and Sweeney

ALSO PRESENT: Antonio A. Teixeira, Town Administrator
Andrew M. Teitz, Esq., Town Solicitor
A. Archie Martins, Town Sergeant

The Council met in regular session on Wednesday evening, September 18, 2013 in the Town Hall, Council Chambers, beginning at 7:04 o'clock PM, Council Chairman Parella presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Parella congratulated the participants of the annual William J. McCarthy Swim. She reported that the event raised approximately \$7000 and that the proceeds will support future improvements at the Quinta-Gamelin center.

Council Chairman Parella further reported that the event is scheduled for next year and will be held during the Victory Day weekend in August.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Calouro/Herreshoff - Voted
unanimously to approve the Consent
Agenda.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - August 28, 2013

Calouro/Sweeney - Voted unanimously
to approve these minutes as
prepared and presented.

B. PUBLIC HEARINGS

**1. Asia Davidson, Gooding Grille, LLC, d/b/a
Gooding Grille, 200 Gooding Avenue - request
for Class B-V Intoxicating Beverage License
(see agenda item C1 also)**

**a. Recommendation - Town Administrator and
Chief of Police**

LATE ITEM

**b. Recommendation - Fire Chief (approve
with conditions)**

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Herreshoff/Sweeney - Voted
unanimously to close the public
hearing.

Prior to the vote taken, Council Chairman Parella opened the public hearing.

Speaking in favor of the application were business partners Ms. Davidson and Steven Parrott who appeared before the Council and testified that their plan is to operate a family restaurant and explained the planned configuration of the establishment.

Council Chairman Parella asked to know why Mr. Parrott was the original petitioner and that the petitioner was later listed as Ms. Davidson with Mr. Parrott explaining that the two are business partners and that Ms. Davidson will be the point of contact for this particular establishment.

Mr. Parrott also reported that he and Ms. Davidson were not business partners previously.

Councilman Herreshoff asked for additional details concerning the type of establishment planned with Mr. Parrott explaining that they plan to offer a full menu with prices ranging from \$5 - \$17.

Councilman Herreshoff asked to know if it is the intention to serve alcoholic beverages only with food with Mr. Parrott explaining that since this is intended to be a family-type establishment, he intends to serve alcoholic beverages only to persons who are also ordering food.

Council Chairman Parella asked to know if the establishment will close at 10:00 o'clock PM during the week and at 11:00 o'clock PM on weekends with Mr. Parrott responding affirmatively.

Also speaking in favor of the petitioners was Stan Dimock of 341 Thames Street. Mr. Dimock reported that Ms. Davidson was his neighbor and that he was certain of her intention to run a first-class operation.

There was no further testimony in favor of granting this license and no remonstrance presented in opposition thereto.

C. ORDINANCES

1. Ordinance #2012-14, CHAPTER 17, Offenses and Miscellaneous Provisions, Article II, Alcohol

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Beverage Establishments, Division 2, License, Section 17-82, Number of licenses (increase B-V licenses from 29 to 30), **2nd reading** (see agenda item B1 above)

Sweeney/Parella - Voted unanimously to consider this action to constitute the Second Reading for adoption of Ordinance #2012-14. Advertise in local newspaper.

Prior to the vote taken, Councilman Herreshoff expressed concern that the number of intoxicating beverage licenses in Town has been increasing.

Council Chairman Parella noted that it has become the policy of the Town to create new intoxicating beverage licenses only for bona-fide full-service restaurant establishments and not for bars and establishments which sell minimal foods such as chicken "fingers."

Councilman Herreshoff agreed that the Council's concern is that these establishments should not morph into "bars."

Police Chief Canario explained that the Town's police officers monitor the intoxicating beverage license holders to assure the Town that the proprietors are serving food and beverages together.

Assistant Solicitor Teitz noted that the Town should continue to monitor these establishments to assure that the Town's policy is fulfilled. He added that it is necessary for the establishment to serve food during business hours and that it is acceptable to offer a less-extensive menu during later business hours.

Councilman Herreshoff asked to know if the food must be served along with drinks at tables with Assistant Solicitor Teitz responding affirmatively adding that it is unacceptable for a patron to simply purchase "drinks at the bar" and nothing else.

Councilman Herreshoff asked to know if Assistant Solicitor Teitz might provide a memorandum to the Council concerning this matter with Assistant Solicitor Teitz responding that this is included in the Department of Business Regulation rules. He added that customers should report non-compliance if it is observed.

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Councilman Calouro stated that he was in favor of the idea of a restaurant in this particular location but expressed concern about creating another full liquor license. He suggested that the Council might rather consider creating a Class BV Limited license instead, and that the Council might consider an "upgrade" of the license after a several-month trial period.

The Clerk reported that only a full BV license was up for consideration and that a new advertisement and alternate ordinance would be required to create a BV Limited license.

Council Chairman Parella asked to know if the petitioner's financing was dependent upon securing a full liquor license with Mr. Parrott responding affirmatively. Mr. Parrott also assured the Council that he wishes to operate a trouble-free establishment and be considered a "good citizen."

Councilman Stuart noted that the location has held full Class BV licenses in the past.

Councilman Sweeney stated that he welcomes new business ventures and also that he studied the proposed menu provided and that he considers this to be a "full" menu. He added that Mr. Parrott appears to have a clear history of experience in this type of business and that he would consider it a "hardship" to deny the license.

Mr. Parrott reported that he spoke to Police Chief Canario regarding his application. He added that it would be detrimental to his business plan if the license is denied.

Council Chairman Parella noted that the Council's general policy is to provide a limited license initially and allow the establishment to be proved. She also explained that the policy was to allow service bars only and that the policy was amended to allow six (6) seat bars instead. She added that the Council agreed to hear this matter for a full license and that it would be misleading to step back at this point.

Councilman Herreshoff stated that he agreed with Council Chairman Parella and was persuaded that a full license should be allowed.

Councilman Stuart noted the memorandum provided by the Police Department and expressed concern that a proliferation of liquor licenses might lead to a need for additional police officers.

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Councilman Calouro asked Police Chief Canario for his input on this matter with Police Chief Canario responding that the Department's recommendation stands and that it is the policy of the Department to monitor all of the licensees. He added that the Department is careful to observe if the establishment is serving "popcorn and chicken fingers" as its food offering.

Council Chairman Parella asked to know when the establishment will open should the license be granted with Mr. Parrott responding that he envisions a late-October opening date.

D. LICENSING BOARD - NEW PETITIONS

1. Asia Davidson, Gooding Grille, LLC, d/b/a Gooding Grille, 200 Gooding Avenue - request for Class B-V Intoxicating Beverage License, **continued from August 28, 2013 for Public Hearing** (see agenda item B1 above)

Calouro/Herreshoff- Voted unanimously to grant this license per the recommendations received for a three-month trial period (after issuance) subject to conformance to all laws and ordinances, payment of all fees, taxes, and levies, and for the hours of operation as specified in the petition.

2. Asia Davidson, Gooding Grille, LLC, d/b/a Gooding Grille, 200 Gooding Avenue - request for Victualling License (see agenda item B1 above)

Herreshoff/Sweeney - Voted unanimously to grant this license per the recommendations received and subject to conformance to all laws and ordinances, payment of all fees, taxes, and levies, and per the hours of operation as specified.

3. Edward Shea, President, 2nd Story Theatre - request for Dancing and Entertainment License for premises known as Bristol Statehouse, Courtroom, 240 High Street, Second Floor

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(performances of "Golda's Balcony" to be held November 8 - December 8, 2013)

- a. Recommendation - Town Administrator and Chief of Police (approve)

Calouro/Sweeney - Voted unanimously to grant this license for the dates specified and subject to conformance to all laws and ordinances and payment of all applicable fees, taxes, and levies.

Prior to the vote taken, Council Chairman Parella asked that the proprietors should be reminded about limiting parking on High Street.

- 4. Michael B. Siino, d/b/a Nacho Mamma's, 76 State Street - request for Dancing and Entertainment License

- a. Recommendation - Town Administrator and Chief of Police (approve with conditions)

Stuart/Sweeney - Voted to grant this license per the recommendations received allowing one drum only and requiring a review after two months; further requiring that all windows and doors shall remain closed with the exception of allowing for ingress and egress and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies. Voting in favor of this motion were Council Chairman Parella, Councilman Calouro, Councilman Stuart and Councilman Sweeney. Voting opposed was Councilman Herreshoff.

Herreshoff/Calouro - Voted unanimously to refer the matter of the Dancing and Entertainment license ordinance to Director of Community Development Williamson for consideration when the Comprehensive Plan is updated.

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Prior to the vote taken, Ethan Tucker, Chairman of the Economic Development Commission reported that he believes that the Commission approves of the granting of this license.

Councilman Stuart noted that he understands that the petitioner requests that the license will be utilized one evening per week and that the performer will be housed inside the building.

Councilman Herreshoff expressed concern that the establishment abuts a residential area and that the proposed entertainment may be too loud.

Mr. Tucker reported that he believes that the entertainment will "enliven" the area.

Councilman Herreshoff re-stated his concern that the noise may be disturbing to the residential neighbors.

Mr. Tucker noted that the sound emission must conform to the noise ordinance.

Council Chairman Parella suggested a trial period with a review of same within six months.

Councilman Herreshoff suggested that the review might be much less than six months.

Councilman Stuart noted that the Council recently approved street musicians in the same area. He suggested that the petitioner should be allowed a trial period.

Mr. Tucker suggested that the music would bring "more vitality" to the area.

Council Chairman Parella expressed concern that the Town offers only one class of entertainment license.

Assistant Solicitor Teitz noted that the Town may impose certain reasonable restrictions and also that the Zoning Code addresses some of Council Chairman Parella's concerns.

Council Chairman Parella suggested that the matter should be discussed during the Comprehensive Plan update.

5. Jeffrey H. Gladding, d/b/a Epilogues, 278 Hope Street - request for Holiday Sales License

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- a. Recommendation - Town Administrator and Chief of Police (approve)

Herreshoff/Calouro - Voted unanimously to grant this license per the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

6. Rami Jenblat, My Shisha Café, 261 Wood Street - request to change hours of operation of existing Victualling License

- a. Recommendation - Town Administrator and Chief of Police (deny)

Herreshoff/Calouro - Voted unanimously to continue this matter until the meeting of October 9, 2013, anticipating further investigative reports from the Police Department.

Prior to the vote taken, Mr. Jenblat appeared before the Council and informed its honorable body that he wished to expand his hours of operation. He also informed the Council that all except for one of the complaints listed on the Police Report were for incidents occurring prior to his taking-over of the establishment.

Councilman Sweeney asked to know when the current proprietor was granted a license with Mr. Jenblat noting that his license was granted on December 21, 2011.

Council Chairman Parella asked Police Chief Canario to respond with Police Chief Canario informing the Council that the establishment is "OK the way it is" and that he is concerned that an expansion of the business will be problematic and that this is the reason for the negative recommendation.

Councilman Herreshoff asked to know if there have been recent problems with Police Chief Canario responding that there has been nothing alarming. He added that he believes there have been no incidents since the established hours of operation "works." He added that the business is located within a mostly residential area and the neighbors contacted regarding the establishment prefer if it remain the way that

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it is.

Councilman Herreshoff agreed that the location within a residential area is a problem.

Mr. Jenblat agreed that the location is not optimal and that he is looking for an alternate location.

Councilman Stuart asked to know if the rear of the building is utilized with Mr. Jenblat responding that the rear of the building is used only to house rubbish.

Council Chairman Parella asked to know the hours of operation of the Wood Street Café across the street with Mr. Jenblat informing the Council that this establishment closes at 1:00 o'clock AM.

Police Chief Canario noted that the Wood Street Café does not appear to have high numbers in attendance during the late-night hours.

Mr. Jenblat provided a petition in support of his request.

Councilman Stuart asked to know if the landlords of the neighborhood signed the petition with Mr. Jenblat responding that he "went up and down the street" to secure the signatures.

Councilman Stuart suggested that the matter might be continued to provide the Council the opportunity to review the information provided in the petition.

E. LICENSING BOARD - RENEWALS

F. PETITIONS - OTHER

1. Sara Chiappone, Event Coordinator, Special Event Services, LLC - request to hold "Glowbash 5K Scavenger Hunt" event at Agave, 805 Hope Street and throughout downtown area, November 16, 2013

- a. Recommendation - Town Administrator and Chief of Police (deny)

Calouro/Stuart - Voted unanimously to deny the petition based upon the recommendations received.

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2. Timothy Brassard, 175 Wood Street re future Cottage Street sidewalk improvements - request for curb cut
 - a. Recommendation - Town Administrator and Director of Public Works (approve)

Calouro/Sweeney - Voted unanimously to grant this petition based upon the recommendations received.

Prior to the vote taken, Town Administrator Teixeira noted that the petition is provided in anticipation of future work on the street.

Councilman Stuart asked to know if there was a time limit on approvals for curb cuts with Town Administrator Teixeira responding that there was no time limit on these.

3. Rami Jenblat, My Shisha Café, 261 Wood Street - request for Council to create new Class B Limited Intoxicating Beverage License
 - a. Recommendation - Town Administrator and Chief of Police (deny)

Herreshoff/Calouro - Voted unanimously to deny the petition based upon the recommendations received.

Prior to the vote taken, Mr. Jenblat informed the Council that he wished to have a license to sell beer and wine only and that the hookah smokers prefer to have alcoholic beverages when they smoke. He added that many of his customers are BYOB.

A discussion ensued regarding other communities with Councilman Stuart reporting that the hookah establishments in Providence "came with" a liquor license.

Council Chairman Parella expressed concern that no licensees seem to abide by their original plans. She added that the Council puts restrictions in place to prevent problems and that the establishments all wish to "ratchet-up."

Councilman Stuart suggested that the establishment should provide a larger offering of foods.

4. Antonio Loras, 30 First Street - request for License to Maintain Town Property at 21 Butterworth Avenue, **call for public hearing October 9, 2013**

Calouro/Stuart - Voted unanimously to call for a public hearing to consider this matter on October 9, 2013, beginning at 7:00 o'clock in the Town Hall, Council Chambers and to anticipate further reports from the Building Official, Director of Community Development, and Public Works Director.

Prior to the vote taken, Mr. Loras informed the Council that he wishes to clear the Town-owned land and clean it.

Councilman Herreshoff asked to know if Mr. Loras disturbed the Town-owned stone wall with Mr. Loras responding that he took the wall apart and plans to replace it.

Councilman Herreshoff responded that Mr. Loras should have sought the Town's permission prior to disturbing the stone wall with Mr. Loras responding that he intends to replace the wall.

Councilman Herreshoff stated that he would like to continue the matter so as to allow time for Public Works Director Galuska to review the condition of the property and report back to the Council.

Council Chairman Parella suggested that the Planning Department should provide a recommendation.

Councilman Herreshoff stated that he wishes to have a report from Public Works Director Galuska since he is concerned that the Town's stone wall has been removed.

Mr. Loras explained that he repaired 400 feet of stone wall and that he spoke to Director of Community Development Williamson and Planner Tanner regarding this matter. He noted that the Town appeared to have no objection but that neighbors have complained and that led to his petition for a license to maintain.

Councilman Sweeney asked for a clarification as to why neighbors complained with Mr. Loras explaining that the neighbors complained about his removal of trees.

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Councilman Herreshoff reiterated his request for a report from Public Works Director Galuska regarding this matter adding that he wished to hear from Director of Community Development Williamson and the Building Official also.

5. Flo Hazen, 131 Wood Street - request for removal of accessible parking space, **1st reading**

Stuart/Sweeney - Voted unanimously to consider this action to constitute the first reading of a request for removal of an accessible parking space. Continue said matter to October 9, 2013 for second reading.

G. APPOINTMENTS

1. Public Service Appointments for September
 - a. Economic Development Commission (2)
(terms to expire September 2016)
 1. Ethan M. Tucker, 158 Bradford Street - interest/reappointment
 2. Council Clerk Cirillo re Jerry Dauterive - interest/reappointment

Councilman Stuart nominated Mr. Tucker and Mr. Dauterive for reappointment.

There were no counter-nominations.

Stuart/Sweeney - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Mr. Tucker and Mr. Dauterive with terms to expire in September 2016.

- b. Fourth of July Committee (terms to expire September 2014)
 1. Patricia Squatrito, Corresponding Secretary, Fourth of July Committee re proposed list of members

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Councilman Calouro nominated the slate of nominees as proposed for appointment/reappointment.

There were no counter-nominations.

Calouro/Sweeney - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the nominees with term to expire in September 2014.

- c. Councilman Calouro re disbandment of Noise Committee

Calouro/Stuart - Voted unanimously, finding that this Committee has completed its charge, to disband it with thanks and praise.

Prior to the vote taken, Councilman Calouro stated that he placed this item on the agenda when he discovered that the Committee was still listed on the Town website.

H. OLD BUSINESS

- 1. Kathleen Seguin, President, Bristol Merchants Association re petition to have live music at events to be held through June 30, 2014 (see attached list), **continued for review of petition granted August 7, 2013**

- a. Recommendation - Town Administrator and Chief of Police

Calouro/Sweeney - Voted unanimously to extend approval of this activity through June 30, 2014 based upon the recommendations received and subject to conformance to all laws and ordinances.

- 2. (RIPTA) Hope Street Bus Boxes - six (6) month review of use, **continued from August 28, 2013**

- a. Town Administrator Teixeira re response of Mark Therrien, Assistant General Manager of RIPTA (letter attached)

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Herreshoff/Calouro - Voted unanimously to continue this matter until the meeting of October 30, 2013 and to anticipate a plan for elimination of the previously agreed upon bus boxes and associated repainting and training of bus drivers.

Prior to the vote taken, Town Administrator Teixeira reported having a discussion with Brooks Almonte of RIPTA concerning the bus boxes.

Mr. Almonte assured Town Administrator Teixeira that the bus drivers will be using the bus boxes.

Councilman Herreshoff expressed concern that the bus boxes take space for 10-12 automobiles.

Council Chairman Parella recalled the suggestion that the bus stops should be located on the opposite side of the cross streets eliminating the need for bus boxes.

It was noted that it is difficult to relocate a bus stop once it is established.

Mr. Almonte agreed to investigate relocating the bus stops as suggested by Council Chairman Parella.

Councilman Herreshoff stated that he would like to take a look at the bus stop arrangement with Town Administrator Teixeira.

A discussion ensued regarding the final epoxy painting of the Hope Street striping (including the bus boxes) with Councilman Stuart explaining that he understood that the final epoxy would not be applied to the bus boxes until the final configuration was agreed upon.

Town Administrator Teixeira reported that the Department of Transportation has determined that the Town will be responsible for reconfiguring the striping if it chooses to do so.

Councilman Stuart stated that the bus boxes, as configured, may not be large enough for the buses along the route.

Councilman Calouro explained that the previous discussion regarding this matter resulted in an agreement that the bus boxes would be eliminated and returned to parking spaces if

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not found used within six (6) months. He added that the time period has lapsed.

A discussion ensued regarding the need for driver training with Councilman Calouro asking to know when the Council may anticipate driver improvement.

Mr. Almonte stated that he would have to check on this issue and report back to the Town.

Councilman Sweeney stated that he has proposed additional crosswalks located at certain Hope Street intersections.

Town Administrator Teixeira asked to know if Councilman Sweeney was referring to the northerly portion of Hope Street with Councilman Sweeney responding affirmatively.

Town Administrator Teixeira reported that the sidewalk plan is now being considered for this area and that crosswalks will be part of this plan.

3. Town Treasurer Goucher re Recommended Account Re-appropriations (carry forwards), **continued from August 28, 2013**

Calouro/Stuart - Voted unanimously to continue this matter until the meeting of October 9, 2013.

Prior to the vote taken, Council Chairman Parella reported that Councilman Herreshoff and Councilman Sweeney have been part of a long discussion regarding this matter.

It was noted that the discussions are not yet finalized and Councilman Sweeney suggested that the matter should be continued until the discussions conclude.

4. Animal Shelter Capital Project Committee Meeting Minutes - August 15, 2013 (also found in section AA below)

Calouro/Herreshoff - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Councilman Herreshoff expressed concern about cost overruns and noted that he learned that the Committee may add costly floor heating.

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Police Chief Canario explained that the Committee voted today not to include the floor heating with Councilman Herreshoff stating that he was pleased to learn this since it may cause a maintenance problem in the future.

Councilman Herreshoff stated that he learned that there may be a cost overrun realign to the site preparation removal of ledge.

Police Chief Canario reported that the Committee is "tossing this back and forth."

I. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Kenneth and Amanda Alves, 18 Hamlet Court -
letter of complaint re wind turbine at
Safeway Auto

Herreshoff/Calouro - Voted
unanimously to continue this matter
until the meeting of October 9,
2013 for additional fact-finding
including the record of the Zoning
Board of Review concerning this
matter as provided by Director of
Community Development Williamson.

Prior to the vote taken, Councilman Herreshoff asked Mr. Alves if he lives nearby the wind turbine. Mr. Alves reported that he is able to see the device from his deck at 18 Hamlet Court. He added that he learned on a YouTube segment that the devices are dangerous and that the wind turbine "fins" have become dislodged and traveled up to 1,600 feet. He also added that his home is only 700 feet from the turbine.

Mr. Alves also reported that the noise emitting from the turbine is preventing his sleep and impacting his health. He added that he believes he may have "turbine syndrome" and that he has not slept in his bedroom for months. He also added that he has headaches and that it is hard for him to concentrate.

Mr. Alves informed the Council that he was not notified by Mr. Coelho about his plans and that no one listened to him when he objected to the installation of the device.

Mr. Alves stated that the Town has a contract with Safeway and that if members of the Council lived on Hamlet Court there would be no turbine.

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Mr. Alves reported that he investigated the turbine in Portsmouth and comparably found that it was silent and that the Safeway turbine is loud and also that he recorded the sound emitting from the device. He explained that the sound may not be measured in decibels and that it must be measured in "infrasound."

Councilman Herreshoff asked to know if the sound emitting from the device was "mechanical."

Mr. Alves imitated the sound using his own voice to do so.

Councilman Sweeney asked to know if there is a "sound study" with Mr. Alves reporting that the decibel-scale meter cannot measure the sound.

Mr. Alves reported that he purchased his property in 2009 and that there was no wind turbine in the neighborhood at that time. He added that he believes solar panels to be a more desirable alternative since these are silent.

Mr. Alves reported that he asked Mr. Coelho to turn off the turbine and that his request was ignored and also that he (Mr. Alves) wishes to have the turbine removed.

Councilman Sweeney noted that Mr. Alves' neighborhood is essentially surrounded by industrial properties.

Mr. Alves agreed that there are industrial neighbors but explained that he hears no noise from the other neighbors after 9:00 o'clock PM. Mr. Alves informed the Council that Safeway has a police scanner and that the company is made aware of police complaints via this device. He alleged that the turbine is adjusted to a lower sound level once a report is made to the police.

Councilman Calouro asked to know what the Council may be able to do in this case with Assistant Solicitor Teitz responding that the matter appears to be outside of Council jurisdiction since it was approved by the Zoning Board of Review and that the noise ordinance is based upon scientific principles and that conformance is based upon the noise meters used by the Police Department.

Councilman Herreshoff explained that the Council should examine the "equity" of the situation. He suggested that Mr. Coelho might be asked to move the turbine. He added that the Council should instruct the Zoning Board of Review to study the consequences of this particular case.

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Councilman Herreshoff added that he believes Mr. Alves' testimony to be convincing and that he also suggests that the Town have a direct conversation with Mr. Coelho concerning the noise issue.

Assistant Solicitor Teitz expressed concern that the Council should not make a determination without hearing from all of the parties.

Councilman Stuart informed the Council that he was on the Zoning Board at the time and that the wind turbine matter was decided via "an exhausting case." He suggested that the Council might wish to review the Zoning Board records.

Council Chairman Parella reported that she went to the neighborhood and observed only a "faint" sound.

Mr. Alves noted that the land slopes downward and that the sound is not audible from all angles. He suggested that it would be acceptable if the wind turbine was operating during business hours only.

Mr. Alves reported that the police officers who responded to his complaint agreed that the noise emitting from the turbine was objectionable.

Town Administrator Teixeira reported that Mr. Alves met with the Town Solicitor.

Mr. Alves reported that the Solicitor "dismissed" his wife.

Town Administrator Teixeira informed the Council that he asked Mr. Coelho to turn off the turbine but that Mr. Coelho informed him that he must operate it to generate power. He added that he (Mr. Coelho) will do the best he can to accommodate the situation.

Councilman Herreshoff suggested that the solution to the problem lies in moving the turbine to another location.

Lena Pereira, of 16 Hamlet Court, informed the Council that she did not receive notice from the Zoning Board of Review concerning the installation of the turbine. She complained that the noise from the turbine is unacceptable to her. She added that the noise is disturbing her sleep but that she chose not to report the problem to the police and that she hears the noise during the day and at nighttime also.

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Councilman Herreshoff asked for a confirmation that Ms. Pereira did not receive Zoning Board hearing notice with Ms. Pereira responding that she was informed about the hearing from her neighbor.

Council Chairman Parella noted that the Zoning Board of Review gets its power from the General Laws of Rhode Island and that she expects that the Board follows the regulations regarding notice to abutters, etc.

Assistant Solicitor Teitz surmised that Ms. Pereira's and Mr. Alves' properties are beyond the notice radius.

Council Chairman Parella stated that there is likely not a legal remedy but perhaps there is some other remedy.

Ms. Pereira informed the Council that she investigated the neighborhood prior to purchasing her home (before the turbine was installed) and found no noise. She did notice some odors but that these were not offensive to her. She also informed the Council that she drove around at night and did not find anything objectionable prior to purchasing her home.

Ms. Pereira also informed the Council that her granddaughter complains about "buzzing" in her ears. She suggested that Mr. Coelho can shutdown the turbine at night.

Donald Pereira, also of 16 Hamlet Court, informed the Council that he cannot use his Jacuzzi and also that he has high blood pressure. He stated that he may sue the Town or Safeway.

Wayne Zina, of 74 Gooding Avenue, informed the Council that he is used to noise on Gooding Avenue and also that it was not excessive previously. He suggested that the turbine might be turned off at night. He added that he has new windows and air conditioning and he can still hear the turbine running over these.

Mr. Zina added that he does not intend to complain to the Police Department and also that he believes the problem to be the Town's responsibility and that it "speaks volumes" that Mr. Coelho was not present this evening.

Council Chairman Parella and Councilman Calouro agreed to contact Mr. Coelho.

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Mr. Zina also reported that he did not receive notice of the hearing concerning the wind turbine application from the Zoning Board of Review.

Councilman Herreshoff suggested that notice to abutters concerning wind turbines should have a wider notice radius.

Councilman Stuart suggested that Council members should read the record of the Zoning Board of Review concerning this matter.

Todd Clemens of Clem's Electric, a business operating in the area, informed the Council that he is concerned that asking Mr. Coelho to curtail the operation of the wind turbine during business hours may be onerous to Mr. Coelho since the turbine must operate to payback the investment.

Council Chairman Parella suggested that a "realistic solution" is needed and that this may require some type of compromise.

Mr. Clemens repeated that curtailing the operation to one-third of a day may be too much to ask.

Mr. Alves suggested that the compromise might be to suggest that Safeway either take the turbine down or shut it down at night. He added that he is not concerned about Mr. Coelho's payback. He added that the noise of the wind turbine prevents him from going into his yard.

Assistant Solicitor Teitz noted that Director of Community Development Williamson would provide the record of the Zoning Board of Review concerning the Safeway wind turbine approval to the Council for its perusal.

2. Merritt Meyer, President, Mosaico Business & Community Development Corporation re Bristol Industrial Park Real Estate Taxes

Calouro/Herreshoff - Voted
unanimously to continue this matter
until the meeting of October 9,
2013.

Prior to the vote taken, Mr. Meyer appeared before the Council and requested a continuance.

3. Cid Harper, Executive Administrative Assistant, Bristol County Water Authority re BCWA By-Laws

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- a. Bristol County Water Authority By-Laws,
amended August 28, 2013

Calouro/Stuart - Voted unanimously
to receive and place this matter on
file.

4. Councilman Stuart - request for Capital
Project Commission status re current bids and
projects

*It is hereby noted for the record that agenda items I4 and
I5 were considered simultaneously.*

Calouro/Sweeney - Voted unanimously
to refer this matter to the Town
Treasurer and Town Clerk.

Prior to the vote taken, Councilman Stuart expressed concern
that the Capital Project Commission has not met and that the
Chairman resigned.

It was noted that the Commission held an inaugural meeting
and that there is a Vice-chairman in place who acts in the
capacity of Chairman until a new Chairman is selected. It
was also noted that the Commission has not met due to the
fact that it has no projects to monitor.

Town Treasurer Goucher suggested that the Commission members
should be invited to attend the capital improvement program
meeting and provide input and to also learn of the pending
projects which may become assigned to them in the future.

5. Town Treasurer Goucher re Capital
Improvements Program - request to schedule
workshop (week of September 30 or October 7)

*It is hereby noted for the record that agenda items I4 and
I5 were considered simultaneously. The discussion and
action appear in agenda item I4 as found above.*

6. Town Administrator Teixeira re Town Council
Updates

Calouro/Sweeney - Voted unanimously
to receive and place this matter on
file.

J. BILLS & EXPENDITURES

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1. Bid #783-2 - Mount Hope Pumping Station Improvements

Herreshoff/Calouro - Voted unanimously to refer this matter to the Town Administrator and Water Pollution Control Superintendent to act in the best interest of the Town.

Prior to the vote taken, the Clerk read the following bids as received.

Hart Engineering Corp.	Cumberland, RI	\$1,378,210
D'Ambra Construction	Warwick, RI	\$1,653,750
Calson Construction	Johnston, RI	\$1,695,000

K. SPECIAL REPORTS

1. Allan Klepper re BCWA Monthly Report for September

Calouro/Stuart - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Councilman Stuart noted that the Providence Water Supply Board will be raising its rates as much as 25%. He added that since BCWA purchases water from Providence, there will likely be a "trickle-down effect" for local ratepayers.

L. TOWN SOLICITOR

1. (Assistant Town Solicitor Teitz) re Town of Portsmouth vs. Michael P. Lewis, et al - Plaintiff's Motion for Leave to File Second Amended and Supplemental Verified Complaint
 - a. Exhibit A - Proposed Second Amended and Supplemental Verified Complaint for Declaratory and Injunctive Relief

Herreshoff/Calouro - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Assistant Solicitor Teitz

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reported that the information provided constitutes an update on the ongoing litigation and that the matter may be heard next month. He added that the plaintiffs will ask for an environmental study.

2. Assistant Town Solicitor Teitz re request for Executive Session pursuant to RIGL 42-46-5(a)(2) litigation - Sakonnet River Bridge tolls and RIGL 42-46-5(a)(5) lease of real property

It is hereby noted for the record that the items concerning this agenda item were considered and voted on at the conclusion of the public agenda.

Calouro/Sweeney - Voted unanimously to add an item to the Executive Session for discussion purposes only pursuant to RIGL 42-46-5(a)(2) litigation - Gendreau v. Town of Bristol.

Herreshoff/Calouro - Voted unanimously to move into Executive Session pursuant to RIGL 42-46-5(a)(2) and (5) for the purposes as specified above at 9:57 o'clock PM.

Herreshoff/Calouro - Voted unanimously to resume open session and seal the minutes of the Executive Session at 10:35 o'clock PM.

Council Chairman Parella reported that there was no action taken concerning the litigation matters.

Calouro/Stuart - Voted unanimously to authorize Town Administrator Teixeira to enter into a one year lease for the parking area defined as Assessor's Plat 10 Lot 32 for \$15,000.

Herreshoff/Stuart - Voted unanimously to continue the matter of a lease concerning Assessor's Plat 10 Lot 41 until the meeting of October 9, 2013 in Executive Session.

M. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. Parella

2. Herreshoff

a. Harbor Related E-mail - Councilman Herreshoff noted the receipt of several harbor related e-mail reports from visitors and found these to be mostly positive. He added that a point was made that parking is limited and suggested that the Harbormaster might attempt to publicize the available parking lots including the privately-owned ones.

b. Downtown Improvements - Councilman Herreshoff noted that the cleanliness of the downtown area has improved and also that Public Works Director Galuska has learned about a suitable vacuum cleaner for same. He further suggested that Public Works Director Galuska should prepare a memorandum on this subject for the next meeting (October 9, 2013).

Public Works Director Galuska reported that the product is shipped from North Carolina. Councilman Herreshoff reaffirmed his desire to have a description of the vacuum for consideration on October 9.

c. BCWA Report - Councilman Herreshoff noted that Allan Klepper omitted the salary increase granted to BCWA Executive Director Pamela Marchand from his monthly report. He expressed concern that the increase was granted since Ms. Marchand is a relatively new employee.

Councilman Herreshoff suggested that the BCWA Bristol-appointed directors might be asked to provide information concerning their "view" of this situation. He suggested that the directors should either attend the next meeting or provide a written report.

Councilman Herreshoff stated that he believes the BCWA to be "out of control."

Council Chairman Parella suggested that there should be a special meeting with the BCWA members

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to discuss both the financial arrangement for the Poppasquash Road water project and also to address the matters of finance prompting Councilman Herreshoff's concerns.

3. Calouro

a. Senior Picnic - Councilman Calouro reported on the annual Senior Picnic held on September 11 at the Town Beach.

b. Elks Turkey Raffle - Councilman Calouro reported that the Bristol County Elks Club will be holding a turkey raffle.

c. Newport County Chamber of Commerce - Councilman Calouro reported his attendance at a meeting of the Newport County Chamber of Commerce as liaison from Bristol.

d. Bristol Warren Regional Joint Finance Committee - Councilman Calouro reported as Chairman of the Joint Finance Committee that he has been in contact with the Exeter-West Greenwich and Chariho regional districts concerning their financial methodology.

4. Stuart

a. BCWA - Councilman Stuart noted Councilman Herreshoff's comments about the BCWA and added that he was concerned that the Authority was hiring an engineer in addition to Ms. Marchand who is also an engineer.

b. Thank You - Councilman Stuart extended the Council's thanks to Mike Davis and the meeting attendees.

5. Sweeney

a. Recycling Update - Councilman Sweeney reported that the Public Works Department has acquired some 55 gallon drums to collect recycling at public events. He added that the ad-hoc committee plans to have a "field trip" to the recycling center.

Councilman Sweeney also reported that Public Works Director Galuska continues to study the Town's

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recycling program and that he (Councilman Sweeney) plans to have further updates at future Council meetings.

N. TOWN ADMINISTRATOR AGENDA ITEM(S)

1. Happy Birthday - Town Administrator Teixeira reported that today is Town Treasurer Goucher's birthday.

2. Half Staff Flags - Town Administrator Teixeira reported that the Town's flags are flying at half-staff in honor of the Navy yard victims and also former Secretary of State Susan L. Farmer who recently passed away.

3. "Bristol Blooms" - Town Administrator Teixeira reported that the "Bristol Blooms" fundraising event was well attended with the Committee planning to have 120 hanging flower baskets next season.

4. Downtown Litter - Town Administrator Teixeira reported that the Police Department has encouraged business owners to cooperate with litter removal downtown.

5. Child Safety Seats - Town Administrator Teixeira reported that the Police Department will hold a child seat safety check on Saturday at the Police Headquarters from 10:00 o'clock AM until 2:00 o'clock PM.

CITIZENS PUBLIC FORUM

Consent Agenda Items:

(CA) AA. SUBMISSION OF MINUTES-Boards and Commissions

Approval of consent agenda="Motion to receive and place these items on file."

1. Bristol Warren Regional School Committee - July 15, 2013

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2. Bristol Warren Regional School Committee - August 13, 2013
3. Board of Fire Engineers - September 3, 2013
4. North and East Burial Ground Commission [sic] - June 7, 2013
5. Animal Shelter Capital Project Committee - August 15, 2013 (also found in section H above)
6. Historic District Commission - August 1, 2013
7. Zoning Board of Review - July 8, 2013

(CA) BB. BUDGET ADJUSTMENTS

Approval of consent agenda="Motion to approve these adjustments."

1. Tax Assessor/Collector Belair re Abatements

(CA) CC. FINANCIAL REPORTS

Approval of consent agenda="Motion to receive and place these items on file."

1. (Town Treasurer Goucher) re Revenue and Expenditures Statement - September 13, 2013
2. Town Treasurer Goucher re Five Year Financial Forecast (FY 2014-2018)

(CA) DD. PROCLAMATIONS, RESOLUTIONS & CITATIONS

Approval of consent agenda="Motion to adopt these Proclamations, Resolutions and Citations as prepared and presented."

(CA) EE. UTILITY PETITIONS

Approval of consent agenda="Motion to approve these petitions."

1. Department of Public Works - Road Cut Permits

(CA) FF. UPCOMING APPOINTMENTS

Approval of consent agenda="Motion to approve advertising these Appointments."

(CA) GG. CITY & TOWN RESOLUTIONS NOT PREVIOUSLY CONSIDERED

Approval of consent agenda="Motion to receive and place these items on file."

(CA) HH. DISTRIBUTIONS/COMMUNICATIONS

Approval of consent agenda="Motion to receive and place these items on file."

1. Warrant - Denise Asciola, Capital Project Commission
2. Warrant - Andrew A. Noronha, Harbor Commission Advisory Committee
3. Warrant - Robert S. Hamel, Harbor Commission Advisory Committee
4. Town Administrator Teixeira to Vanasse Hangen Brustlin, Inc. (VHB), Watertown, MA re award of RFP #784 - Planning Services for Comprehensive Plan Update
5. Town Administrator Teixeira to Horner Commercial Sales, Somerset, MA re award of Bid #788 - Two (2) Prox/PIN Readers with Audit Trail
6. Council Clerk Cirillo to Public Works Director Galuska re Accessible Parking Space Added, 24 Prospect Street
7. Warrant - Daniel Eagan, Harbor Commission
8. Town Administrator Teixeira to JML Excavation, Inc. re award of Bid #787 - Sewer Backflow Prevention Program, Group 1
9. Warrants - Special Constables/Fire Department
10. Norman Lowrey, 480 Metacom Avenue re Suggestions for Promoting New Businesses to Locate in Bristol
11. Resolution to Borrow (Lease-Purchase Agreement) - Heavy Rescue Truck (signed copy)

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12. (Town Treasurer Goucher) re Police Retirement Plan Actuarial Valuation - July 1, 2013 for FY 2014-15
13. Evan Smith, President & CEO, Discover Newport re Annual Audit Report - Years Ended March 31, 2013 and 2012

(CA) II. DISTRIBUTIONS/NOTICE OF MEETINGS
(Office copy only)

Approval of consent agenda="Motion to receive and place these items on file."

1. Bristol Warren Regional School Committee Personnel/Contract Negotiations Subcommittee - August 26, 2013 (revised)
2. Bristol Warren Regional School Committee - August 26, 2013 (revised 1)
3. Bristol Warren Regional School Committee - August 26, 2013 (revised 2)
4. Christmas Festival Committee - August 29, 2013
5. Board of Fire Engineers - September 3, 2013
6. Bristol Warren Regional School District Schedule of Meetings - Week of September 1, 2013
7. Bristol Warren Regional School Committee Policy/Community Affairs Subcommittee - September 3, 2013
8. Fourth of July Committee - September 11, 2013
9. North and East Burial Ground Commission [sic] - September 5, 2013
10. Rogers Free Library Board of Trustees - September 10, 2013
11. Coastal Resources Management Council - September 2013 Calendar
12. Recreation Board - September 10, 2013

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13. North and East Burial Ground Commission [sic]
- October 3, 2013
14. Bristol Warren Regional School District
Schedule of Meetings - Week of September 8,
2013
15. Bristol Warren Regional School Committee
Personnel/Contract Negotiations Subcommittee
- September 9, 2013
16. Bristol Warren Regional School Committee -
September 9, 2013
17. Conservation Commission - September 9, 2013
18. Harbor Commission - Appeal Hearing, September
9, 2013
19. Harbor Commission - September 9, 2013
20. Bristol Warren Regional School District
Schedule of Meetings - Week of September 15,
2013
21. Bristol Warren Regional School Committee
Budget/Facilities Subcommittee - September
16, 2013

(CA) JJ. CLAIMS

Approval of consent agenda="Motion to refer these items to the Insurance Committee and at its discretion to the Interlocal Trust."

1. Fernanda Almeida, 18 Wilson Street re claim
for personal injury

There being no further business, upon a motion by Councilman Herreshoff, seconded by Councilman Stuart and voted unanimously, the Chairman declared this meeting to be adjourned at 10:37 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk